Office Action Summary	Application No.	Applicant(s)	
	10/597,302	JACOBS, PETER	
	Examiner	Art Unit	
	JESSE A. ELBIN	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-18,20 and 21* is/are rejected.

7)☒ Claim(s) *11 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2008* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *19 July 2006, 09 June 2008*.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *20080827* .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation: “adjustable forwards and backwards and/or height-adjustable" of claims 8 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 12-16, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiromi et al. (US Patent 6,224,491 ('491)).

Regarding claim 1, Hiromi teaches a method for the emission of an air current in the direction of the breathing zone of a user ('491 Figs. 11-12), wherein sound emitting means (speakers; '491 Fig. 11 #108L, 108R), comprising a loudspeaker (speakers), emit sound from at least one sound emitting position (provide stereo sound to the player; '491 col. 6 lines 4-5) adjustable by the user ('491 Figs. 17 and 20); air emitting means (fans; '491 Fig. 11 #107L, 107R) emit an air current (direct air onto the head; '491 col. 6 lines 2-3) from at least one air emitting position ('491 Fig. 11) which is fixed relative to the respective sound emitting position ('491 Fig. 11); the user brings the sound emitting position in accordance with the position of his/her ear by optimization of the received sound ("the player pulls down the headrest to a position such that the U-shaped arms of the headrest 102 surround both ears, as shown in FIG. 17"; '491 col. 9 lines 3-5).

Regarding claim 2, Hiromi remains as applied above.

Hiromi further teaches wherein the sound to the left ear of the user is emitted by a left side sound emitting member from a left side sound emitting position and/or the sound to the right ear of the user is emitted by a right side sound emitting member from a right side sound emitting position ("For example…sounds of the player to the right being attacked (monster howls and the sound of a human being eaten) are broadcast from the speaker 108R located on the right side of the player"; '491 col. 9 lines 41-46); the air current to the breathing zone of the user is emitted from a left side air emitting member ('491 Fig. 11 #107L) from a left side air emitting position ('491 Fig. 12), a right side air emitting member ('491 Fig. 11 #107R) from a right side air emitting position ('491 Fig. 12), respectively; the left side air emitting position ('491 Fig. 11 #107L) is fixed relative to the left side sound emitting position ('491 Fig. 11 #108L) in accordance with the mutual position of the breathing zone relative to the left ear of an average user ('491 Fig. 12), the right side air emitting position ('491 Fig. 11 #107R) is fixed relative to the right side sound emitting position ('491 Fig. 11 #108R) in accordance with the mutual position of the breathing zone relative to the right ear of an average user ('491 Fig. 12), respectively; the user brings the left side sound emitting position and the right side sound emitting position, respectively, in accordance with the position of his/her left, right ear respectively, by optimization of the received sound ("the player pulls down the headrest to a position such that the U-shaped arms of the headrest 102 surround both ears, as shown in FIG. 17"; '491 col. 9 lines 3-5).

Regarding claim 3, Hiromi teaches a seat (‘491 Fig. 17), comprising sound emitting means (speakers; ‘491 Fig. 11 #108L, 108R), comprising a loudspeaker (speakers), suitable for the emission of sound in the proximity of an ear of a respective user of the seat (provide stereo sound to the player; ‘491 col. 6 lines 4-5), which sound emitting means are coupled to air emitting means (fans; ‘491 Fig. 11 #107L, 107R *coupled via headrest 102*) suitable for the emission of an air current in the proximity of the breathing zone (direct air onto the head; ‘491 col. 6 lines 2-3) of this same user (Fig. 12).

Regarding claim 4, Hiromi remains as applied above.

Hiromi further teaches the sound emitting and the air emitting means are included in, or connected to a headrest forming part of the seat (‘491 Fig. 17 #102).

Regarding claim 5, Hiromi remains as applied above.

Hiromi further teaches the sound emitting means (speakers) comprise a left side sound emitting member (‘491 Fig. 11 #108L) and/or a right side sound emitting member (‘491 Fig. 11 #108L) for the emission of sound in the proximity of the left and right ear, respectively, of the user ('491 Fig. 12), the air emitting means (fans) comprising a left side air emitting member (‘491 Fig. 11 #107L) and a right side air emitting member (‘491 Fig. 11 #107R), respectively, for the emission of an air current in the proximity of the breathing zone of the user (direct air onto the head; ‘491 col. 6 lines 2-3).

Regarding claim 6, Hiromi remains as applied above.

Hiromi further teaches the headrest comprising a left and a right lateral element ('491 Fig. 11 *illustrates the 'U-shaped' headrest, comprising a left and a right lateral element*).

Regarding claim 7, Hiromi remains as applied above.

Hiromi further teaches the left side sound emitting member ('491 Fig. 11 #108L) and the left side air emitting member ('491 Fig. 11 #107L) are included in the left lateral element ('491 Fig. 11 *right side of the illustration*) and the right side sound emitting member ('491 Fig. 11 #108R) and the right side air emitting member ('491 Fig. 11 #107R) are included in the right lateral element ('491 Fig. 11 *left side of the illustration*).

Regarding claim 8, Hiromi remains as applied above.

Hiromi further teaches the orientation of at least one of the lateral elements is laterally adjustable and/or adjustable forwards and backwards and/or height-adjustable ('491 Figs. 17 and Fig. 20 *illustrate a height-adjustable headrest*).

Regarding claim 12, Hiromi teaches a headrest ('491 Fig. 17 #102), comprising sound emitting means (speakers; '491 Fig. 11 #108L, 108R), comprising a loudspeaker (speakers), suitable for the emission of sound in the proximity of an ear of a respective user (provide stereo sound to the player; '491 col. 6 lines 4-5), which sound emitting means are coupled to air emitting means (fans; '491 Fig. 11 #107L, 107R *coupled via*

headrest 102) suitable for the emission of an air current in the proximity of the breathing zone (direct air onto the head; '491 col. 6 lines 2-3) of this same user (Fig. 12).

Regarding claim 13, Hiromi remains as applied above.

Hiromi further teaches the sound emitting means (speakers) comprise a left side sound emitting member ('491 Fig. 11 #108L) and/or a right side sound emitting member ('491 Fig. 11 #108L) for the emission of sound in the proximity of the left and right ear, respectively, of the user ('491 Fig. 12), and wherein the air emitting means (fans) comprising a left side air emitting member ('491 Fig. 11 #107L) and a right side air emitting member ('491 Fig. 11 #107R), respectively, for the emission of an air current in the proximity of the breathing zone of the user (direct air onto the head; '491 col. 6 lines 2-3).

Regarding claim 14, Hiromi remains as applied above.

Hiromi further teaches the headrest comprising a left and a right lateral element ('491 Fig. 11 *illustrates the 'U-shaped' headrest, comprising a left and a right lateral element*).

Regarding claim 15, Hiromi remains as applied above.

Hiromi further teaches the left side sound emitting member ('491 Fig. 11 #108L) and the left side air emitting member ('491 Fig. 11 #107L) are included in the left lateral element ('491 Fig. 11 *right side of the illustration*) and the right side sound emitting

member ('491 Fig. 11 #108R) and the right side air emitting member ('491 Fig. 11 #107R) are included in the right lateral element ('491 Fig. 11 *left side of the illustration*).

Regarding claim 16, Hiromi remains as applied above.

Hiromi further teaches the orientation of at least one of the lateral elements is laterally adjustable and/or adjustable forwards and backwards and/or height-adjustable ('491 Figs. 17 and Fig. 20 *illustrate a height-adjustable headrest*).

Regarding claim 20, Hiromi remains as applied above.

Hiromi further teaches the position of at least one of the air emitting means ('491 Fig. 11 #107L, 107R) is invariant relative to the position of one of the sound emitting means ('491 Fig. 11 #108L, 108R).

Regarding claim 21, Hiromi remains as applied above.

Hiromi further teaches the position of at least one of the air emitting means ('491 Fig. 11 #107L, 107R) is invariant relative to the position of one of the sound emitting means ('491 Fig. 11 #108L, 108R).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

> invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9-10 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiromi et al. (US Patent 6,224,491 ('491)) as applied to claims 8 and 16 above, and further in view of Hirano (US Patent 6,744,898 ('898)).

Regarding claim 9, Hiromi remains as applied above.

Hiromi does not explicitly teach providing a first regulating means for regulating the intensity of the sound emission and/or the air emission depending on the orientation of the respective lateral element.

In the same field of endeavor, Hirano teaches providing a first regulating means (mechanical switch; '898 Fig. 3A #17) for regulating the intensity of the sound emission (turning the sound on or off; '898 col. 4 lines 20-24) depending on the orientation of the respective lateral element ("mechanical switch 17 is provided as a detection means for detecting that each of the side flaps…is positioned at a predetermined position"; '898 col. 3 lines 12-14) for the benefit of adjusting the sound volume based on the headrest position ('898 col. 1 lines 32-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the seat and headrest taught by Hiromi with the volume-adjusting headrest as taught by Hirano to maintain a desired output volume depending on the position of the headrest relative to the user.

Regarding claim 10, Hiromi and Hirano remain as applied above.

Neither Hiromi, nor Hirano explicitly teaches the first regulating means being suitable-for interrupting the sound emission and/or air emission when the respective lateral element is in a particular orientation.

Hirano does implicitly teach that the audio system is turned off when the headrest is in the unused position ("When the user…moves the side flaps 12 from the unused position to the used position, the mechanical switch 17 is turned on to actuate the audio system 30" *implying that when the flaps are in the 'unused' position, the audio system is inactive, i.e. interrupted*).

Regarding claim 17, Hiromi remains as applied above.

Hiromi does not explicitly teach providing a first regulating means for regulating the intensity of the sound emission and/or the air emission depending on the orientation of the respective lateral element.

In the same field of endeavor, Hirano teaches providing a first regulating means (mechanical switch; '898 Fig. 3A #17) for regulating the intensity of the sound emission (turning the sound on or off; '898 col. 4 lines 20-24) depending on the orientation of the respective lateral element ("mechanical switch 17 is provided as a detection means for detecting that each of the side flaps…is positioned at a predetermined position"; '898 col. 3 lines 12-14) for the benefit of adjusting the sound volume based on the headrest position ('898 col. 1 lines 32-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the seat and headrest taught by Hiromi with the volume-adjusting

headrest as taught by Hirano to maintain a desired output volume depending on the position of the headrest relative to the user.

Regarding claim 18, Hiromi and Hirano remain as applied above.

Neither Hiromi, nor Hirano explicitly teaches the first regulating means being suitable-for interrupting the sound emission and/or air emission when the respective lateral element is in a particular orientation.

Hirano does implicitly teach that the audio system is turned off when the headrest is in the unused position ("When the user…moves the side flaps 12 from the unused position to the used position, the mechanical switch 17 is turned on to actuate the audio system 30" *implying that when the flaps are in the 'unused' position, the audio system is inactive, i.e. interrupted*).

Allowable Subject Matter

5. Claims 11 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Wooderson et al. (US Patent 5,531,032) teaches a hair dryer with integral stereo audio system.

b. Joynes (US PGPub 2002/0076059) teaches an apparatus and method for reducing noise.

c. Stöwe et al. (US PGPub 2001/0028185) teaches a vehicle seat ventilation system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSE A. ELBIN whose telephone number is (571)270-3710. The examiner can normally be reached on Monday through Friday, 8:00am to 5:00pm EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on (571) 272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A. E./
Examiner, Art Unit 2615

/Suhan Ni/
Primary Examiner, Art Unit 2614